

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cv-40021

Charles Harrison

v.

Warden Davis L. Winn

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-31

and contained in I Volume(s) are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 7/12/2007.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on August 3, 2007.

By:

Sarah A. Thornton, Clerk of Court

Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 8/6/07.

D. Baichard
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL, HABEAS

**United States District Court
District of Massachusetts (Worcester)
CIVIL DOCKET FOR CASE #: 4:05-cv-40021-MLW**

Harrison v. Winn
Assigned to: Chief Judge Mark L. Wolf
Cause: 28:2241 Petition for Writ of Habeas Corpus (federal)

Date Filed: 01/26/2005
Date Terminated: 06/04/2007
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Petitioner

Charles Randall Harrison

represented by **Charles Randall Harrison**
09856-002
P-2
FMC Devens
PO Box 879
Ayer, MA 01432-0879
PRO SE

V.

Respondent

Warden David L. Winn

represented by **S. Theodore Merritt**
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Date Filed	#	Docket Text
01/26/2005	<u>1</u>	PETITION for Writ of Habeas Corpus \$ 0.0, receipt number NA, filed by Charles Randall Harrison.(Hassett, Kathy) (Entered: 01/31/2005)
01/26/2005	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by Charles Randall Harrison.(Hassett, Kathy) (Entered: 01/31/2005)
02/04/2005	<u>3</u>	Judicial NOTICE of Court Order entered on the United States District Court District of New Jersey by Charles Randall Harrison, with Court Order attached, FILED. (Boyce, Kathy) (Entered: 02/14/2005)
02/25/2005	<u>4</u>	MOTION to Amend <u>1</u> Petition for Writ of Habeas Corpus (2254) by Charles Randall Harrison, filed.(Boyce, Kathy) (Entered: 02/28/2005)
04/20/2005	<u>5</u>	MOTION to Amend <u>1</u> Petition for Writ of Habeas Corpus (2254) Pursuant to Fed. Rule Civil Proc. Rule 15(A) by Charles Randall Harrison, FILED. (Attachments: # <u>1</u>)(Boyce, Kathy) (Entered: 04/25/2005)
06/13/2005	<u>6</u>	Judge Mark L. Wolf : Electronic ORDER entered granting <u>5</u> Motion to Amend Petition (O'Leary, Dennis) (Entered: 06/13/2005)
08/05/2005	<u>6</u>	Judge Mark L. Wolf : ORDER entered granting <u>2</u> Motion for Leave to Proceed in forma pauperis (PSSA4,) (Entered: 08/09/2005)
08/05/2005	<u>7</u>	Judge Mark L. Wolf : ORDER entered. SERVICE ORDER re 2241 Petition. Order entered pursuant to R.4 of the Rules governing Section 2241 cases for service on respondents. Answer/responsive pleading due w/in 20 days of rpt of this order. The clerk served a copy of the petition and amendment on Office of U.S. Attorney and Warden Winn by certified mail, return receipt requested. Copy of order sent to petitioner by regular mail.(PSSA4,) (Entered: 08/09/2005)
08/19/2005	<u>8</u>	MOTION to Amend <u>1</u> Petition for Writ of Habeas Corpus (2254) by Charles Randall Harrison, FILED, c/s. (Attachments: # <u>1</u> Exhibit A) (Boyce, Kathy) (Entered: 08/22/2005)
08/30/2005	<u>9</u>	First MOTION for Extension of Time to 09/30/05 to File Answer re <u>7</u> Service Order - 2241 Petition, by David L. Winn.(Gallagher, Neil) (Entered: 08/30/2005)
09/02/2005	<u>9</u>	Judge Mark L. Wolf : Electronic ORDER entered granting <u>9</u> Motion for Extension of Time to Answer David L. Winn answer due 9/30/2005. (O'Leary, Dennis) (Entered: 09/07/2005)

09/19/2005	●	Judge Mark L. Wolf : Electronic ORDER entered granting <u>8</u> Motion to Amend (O'Leary, Dennis) (Entered: 09/19/2005)
09/21/2005	● <u>10</u>	Second MOTION for Extension of Time to 10/31/05 to File Answer re Service Order - 2241 Petition, by David L. Winn.(Gallagher, Neil) (Entered: 09/21/2005)
09/21/2005	● <u>11</u>	MOTION for Default Judgment as to David L. Winn by Charles Randa Harrison, FILED.(Boyce, Kathy) (Entered: 09/29/2005)
09/26/2005	●	Judge Mark L. Wolf : Electronic ORDER entered granting <u>10</u> Motion for Extension of Time to Answer David L. Winn answer due 10/31/2005. (O'Leary, Dennis) (Entered: 09/26/2005)
10/06/2005	● <u>12</u>	MOTION to Amend <u>1</u> Petition for Writ of Habeas Corpus (2254) by Charles Randall Harrison. (Attachments: # (1) Exhibit A, FILED, c/s. (Boyce, Kathy) Additional attachment(s) added on 10/24/2005 (Boyce, Kathy). (Entered: 10/13/2005)
10/30/2005	● <u>13</u>	Third MOTION for Extension of Time to 12/27/05 to File Response/Reply as to <u>1</u> Petition for Writ of Habeas Corpus (2254) by David L. Winn.(Gallagher, Neil) (Entered: 10/30/2005)
11/15/2005	● <u>14</u>	MOTION to Order the Governemnt to Respond, by Charles Randall Harrison, FILED.(Boyce, Kathy) (Entered: 11/18/2005)
12/16/2005	●	Judge Mark L. Wolf : Electronic ORDER entered granting <u>13</u> Third MOTION for Extension of Time to 12/27/05 to File Response/Reply as to <u>1</u> Petition for Writ of Habeas Corpus (2254). ALLOWED. However, is unlikely that any further extension will be granted. granting <u>14</u> Motior for Order. ALLOWED. The government has been given to December 27 2005 to respond. Responses due by 12/27/2005 (O'Leary, Dennis) (Entered: 12/22/2005)
12/28/2005	● <u>15</u>	NOTICE of Appearance by Sabita Singh on behalf of David L. Winn (Singh, Sabita) (Entered: 12/28/2005)
12/28/2005	● <u>16</u>	MOTION for Extension of Time to 12/28/2005 to File Response/Reply by David L. Winn.(Singh, Sabita) (Entered: 12/28/2005)
12/28/2005	● <u>18</u>	Opposition re <u>4</u> MOTION to Amend <u>1</u> Petition for Writ of Habeas Corpus (2254), <u>5</u> MOTION to Amend <u>1</u> Petition for Writ of Habeas Corpus (2254), <u>2</u> MOTION for Leave to Proceed in forma pauperis, <u>8</u> MOTION to Amend <u>1</u> Petition for Writ of Habeas Corpus (2254) filed by David L. Winn. (Singh, Sabita) Modified on 12/29/2005 (Jones, Sherry). Additional attachment(s) added on 1/30/2006 (Boyce, Kathy). Modified on 1/30/2006: Motion for extension of time to file opposition, filed on 12/28/05 was allowed on 1/2/06. Document re-attached to entry as counsel allowed to file opposition. (Boyce, Kathy). (Entered: 12/28/2005)
01/02/2006	●	Judge Mark L. Wolf : Electronic ORDER entered granting <u>16</u> Motion for Extension of Time to File Response/Reply re <u>16</u> MOTION for Extension of Time to 12/28/2005 to File Response/Reply (O'Leary, Dennis)

		(Entered: 01/03/2006)
01/09/2006	<u>17</u>	Response by Charles Randall Harrison to Opposition to Motion, FILED c/s. (Boyce, Kathy) (Entered: 01/12/2006)
01/30/2006	<u>18</u>	Notice of correction to docket made by Court staff. Correction: Document 18, Gov'ts Opposition to Petition corrected because: to re-attach document to entry as the Motion for Extension of Time to file Response to Petition filed on 12/28/06 was allowed on 1/2/06 (Boyce, Kathy) (Entered: 01/30/2006)
08/01/2006	<u>19</u>	Judge Mark L. Wolf : MEMORANDUM & ORDER entered denying <u>11</u> Motion for Default Judgment, granting <u>12</u> Motion to Amend. Based on the foregoing, it is hereby ORDERED that:1. The petitioner's Request for an Evidentiary Hearing(Docket No. 11) is DENIED.2. The petitioner's Motion for Default Judgment (Docket No.11) is DENIED.3. The petitioner's Motion to Amend (Docket No. 12) isALLOWED. The petitioner shall, within thirty (30) days of thisOrder, file one comprehensive, amended petition that asserts all ofthe court-approved claims that the petitioner wishes to present.The respondent shall, within fourteen (14) days of the filing ofthe comprehensive, amended petition, file a revised responsivepleading addressing these claims. (O'Leary, Dennis) (Entered: 08/01/2006)
08/30/2006	<u>20</u>	AMENDED COMPLAINT against David L. Winn, filed by Charles Randall Harrison, filed. (Attachments: # <u>1</u> Affidavit pf Charles Randall Harrison# <u>2</u> Exhibit A-F# <u>3</u> Copy of Transcript marked Exhibit B) (Boyce, Kathy) (Entered: 08/31/2006)
09/13/2006	<u>21</u>	ANSWER to Amended Complaint by David L. Winn.(Singh, Sabita) (Entered: 09/13/2006)
09/21/2006	<u>22</u>	Rebuttal by Charles Randall Harrison to <u>21</u> Answer to Amended Complaint, FILED. (Attachments: # <u>1</u> Exhibit A)(Boyce, Kathy) (Entered: 09/25/2006)
11/29/2006	<u>23</u>	MOTION Pursuant to Fed. R. Civ. Proc. 28:2248, by Charles Randall Harrison, FILED, c/s.(Boyce, Kathy) (Entered: 11/30/2006)
01/31/2007	<u>24</u>	MOTION to Supplement 28:2241 re <u>1</u> Petition for Writ of Habeas Corpus (2254) by Charles Randall Harrison. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C), FILED, c/s.(Boyce, Kathy) (Entered: 01/31/2007)
02/01/2007	<u>25</u>	NOTICE of Appearance by S. Theodore Merritt on behalf of David L. Winn (Merritt, S.) (Entered: 02/01/2007)
04/09/2007	<u>26</u>	MOTION to Amend <u>20</u> Amended Complaint by Charles Randall Harrison, FILED. (Attachments: # <u>1</u> Proposed Amended Petition. c/s.) (Boyce, Kathy) (Entered: 04/10/2007)
05/24/2007	<u>27</u>	MOTION for Extension of Time to June 11, 2007 to File Response/Reply as to <u>24</u> MOTION to Supplement 28:2241 re <u>1</u> Petition for Writ of Habeas Corpus (2254) by Charles Randall Harrison.(Merritt, S.)

		(Entered: 05/24/2007)
06/04/2007	<u>28</u>	Judge Mark L. Wolf : MEMORANDUM and ORDER entered Accordingly, it is hereby ORDERED that: 1. The Petitioner's Motion to Amend and Motion to Supplement (Docket Nos. 24, 26) are DENIED as futile. 2. The Amended Petition (Docket No. 20) is DENIED. (O'Leary, Dennis) (Entered: 06/04/2007)
06/04/2007	<u>29</u>	Judge Mark L. Wolf : ORDER entered. JUDGMENT in favor of Respondent against Petitioner (O'Leary, Dennis) (Entered: 06/04/2007)
07/12/2007	<u>30</u>	NOTICE OF APPEAL as to <u>28</u> Order on Motion for Extension of Time to File Response/Reply, Order on Motion for Miscellaneous Relief, Order on Motion to Amend, ... <u>29</u> Judgment by Charles Randall Harrison NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 8/1/2007. (Boyce, Kathy) (Entered: 07/13/2007)
07/12/2007	<u>31</u>	MOTION for Leave to Appeal in forma pauperis by Charles Randall Harrison, FILED. (Attachments: # <u>1</u> Affidavit of Charles Randall Harrison of Poverty) (Boyce, Kathy) (Entered: 07/13/2007)